

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA	*	CRIMINAL DOCKET NO. 07-344
v.	*	SECTION: "R" (5)
WILLIE A. CARTER	*	VIOLATIONS: 18 U.S.C. § 922(g)(1)
		18 U.S.C. § 924(a)(2)
	*	21 U.S.C. § 841(a)(1)
		21 U.S.C. §841(b)(1)(B)
*	*	*

FACTUAL BASIS

Should this matter have gone to trial, the Government would have proved through the introduction of competent testimony and admissible tangible exhibits, including documentary evidence, the following to support the allegations charged by the Government in count one and count two of the indictment now pending against the defendant, **WILLIE A. CARTER**, (hereinafter "CARTER" or "defendant") to wit: having been convicted of a crime punishable for a term exceeding one year, knowingly possessing a firearm that had been shipped and transported in interstate or foreign commerce, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2) and possessing with the intent to distribute five or more grams of cocaine base ("Crack") in violation of Title 21 United States Code, Sections 841(a)(1) and 841(b)(1)(B).

Evidence would be adduced at trial which would show that on August 1, 2007, New Orleans Police Department officers executed a duly authorized search warrant on the residence

located at 1732 Elysian Fields, New Orleans, Louisiana, in the Eastern District of Louisiana.

After making entry into the shotgun style residence, the officers found the premises occupied by three persons, including defendant WILLIE A. CARTER, who resided at the residence. When initially approached by officers, defendant CARTER was lying in the bed in the second bedroom of his residence. Next to defendant CARTER, was a fully loaded Bushmaster model XM15E2S, semi-automatic rifle, serial number L386436; a Glock model 22, .40 caliber semi-automatic pistol, serial number CKL430; and a Taurus model PT-92, 9mm semi-automatic pistol, serial number B64062.

NOPD officers would testify that during the search of CARTER's residence they located, in the bedroom used by CARTER, forty-four plastic bags each containing marijuana; and in the house that CARTER resided in, multiple bags containing cocaine base, "Crack" with a total net weight of approximately 15.5 grams, and \$5,145.00 in cash.

A chemist would testify that the drug evidence described above as cocaine base "Crack", a Schedule II narcotic drug controlled substance, contained cocaine base and the net weight of the cocaine base was less than 50 grams but greater than 5 grams.

A drug trafficking narcotics expert would testify that based on the quantity of drugs, the packaging of the drugs, the amounts and types of cash recovered, and the types of weapons found that the marijuana and cocaine base possessed by CARTER was consistent with distribution of the drugs not personal use.

A Deputy Clerk of Court would testify that CARTER had entered a plea of guilty and was convicted on or about August 31, 2001, in the Criminal District Court for the Parish of Orleans, Case No. 424-297 "G," for possession of crack cocaine in violation of LA-R.S. 40:967(C)(2).

A state corrections officer would testify that CARTER, after the aforesaid conviction and prior to August 1, 2007, was advised that he could not own, possess or receive any firearm and that CARTER had not applied for or received a pardon.

A fingerprint expert would testify that he examined the fingerprints taken of the defendant convicted of the aforesaid felony and positively matched them with the fingerprints of CARTER, the defendant indicted herein.

ATF agents would testify that the aforesaid Bushmaster, semi automatic rifle, serial number L386436 was manufactured in Maine; the aforesaid Glock, semi-automatic pistol, serial number CKL430 was manufactured by Glock GmbH in Austria and imported to Smyrna, Georgia; the aforesaid Taurus, semi-automatic pistol, serial number was manufactured by Taurus Forjas S.A. in Porto Alegre, Brazil and imported to Miami, Florida, before being sold in commerce. Furthermore, all of the aforesaid firearms were not manufactured in the State of Louisiana and, thus, each traveled in interstate and/or foreign commerce to reach the State of Louisiana prior to defendant CARTER's possession of the firearms on August 1, 2007.

